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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 3:21-cv-01694

EDELIZA P. DE LOS SANTOS,

Plaintiff,

v.

I.Q. DATA INTERNATIONAL, INC.,

Defendant.

**COMPLAINT FOR DAMAGES**

- 1. VIOLATION OF THE FAIR DEBT  
COLLECTION PRACTICES ACT,  
15 U.S.C. § 1692 *ET SEQ.*;**
- 2. VIOLATION OF THE  
ROSENTHAL FAIR DEBT  
COLLECTION PRACTICES ACT,  
CAL. CODE §1788 *ET SEQ.***

**JURY TRIAL DEMANDED**

**NOW COMES** Edeliza P. De Los Santos (“Plaintiff”), by and through the undersigned counsel, complaining of I.Q. Data International, Inc. (“Defendant”) as follows:

**NATURE OF THE ACTION**

1. Plaintiff brings this action seeking redress for violations of the Fair Debt Collection Practices Act (“FDCPA”) pursuant to 15 U.S.C. §1692 and violations of the Rosenthal Fair Debt Collection Practices Act (“RFDCPA”) pursuant to Cal. Civ. Code §1788.

2. Subject matter jurisdiction is conferred upon this Court by the FDCPA and 28 U.S.C. §§1331 and 1337, as the action arises under the laws of the United States.

3. Supplemental jurisdiction exists for the state law claim pursuant to 28 U.S.C. §1367.



1 she would call back later.

2 17. When Plaintiff called back, Shannon attempted to persuade Plaintiff to pay off the  
3 subject debt by taking out a personal loan or applying for a credit card.

4 18. Plaintiff stated that she had bad credit and would likely be denied for a personal  
5 loan or credit card, thus harming her credit even further.

6 19. Shannon was unconcerned about potentially damaging Plaintiff's credit and  
7 informed Plaintiff that Defendant could not work with her unless she submitted a rejection letter  
8 showing she was unable to obtain a loan or credit card.

9 20. Plaintiff felt uncomfortable with Shannon's attempts to coerce her into actions that  
10 may damage her credit, so she ended the call.

11 21. Soon thereafter, Plaintiff also began receiving phone calls from Defendant to her  
12 cellular phone number (925) XXX-2473, attempting to collect the subject debt.

13 22. Defendant has used the phone numbers (888) 248-2509 and (925) 396-1600 to  
14 place phone calls to Plaintiff's work and cellular phones, but upon information and belief, it may  
15 have used additional phone numbers to contact Plaintiff.

16 23. At no time did Defendant send Plaintiff any correspondences notifying her of her  
17 rights pursuant to 15 U.S.C. §1692g. Specifically, Plaintiff never received any correspondences  
18 from Defendant, as it was required to send Plaintiff within 5 days of the initial communication.

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21  
22 **DAMAGES**

23 24. Defendant's wanton and malicious conduct has severely impacted Plaintiff's daily  
24 life and general well-being.

25 25. Plaintiff has expended time and incurred costs consulting with her attorney as a  
26 result of Defendant's unfair, deceptive, and misleading actions.

27 26. Plaintiff was unduly inconvenienced and harassed by Defendant's unlawful  
28

1 attempts to collect the subject debt.

2 27. Defendant's harassment campaign and illegal collection activities have caused  
3 Plaintiff actual harm, including but not limited to, invasion of privacy, nuisance, intrusion upon  
4 and occupation of Plaintiff's cellular telephone capacity, wasting Plaintiff's time, increased risk  
5 of personal injury resulting from the distraction caused by the phone calls, harassment, emotional  
6 distress, anxiety, and loss of concentration  
7

8 **COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

9 28. Plaintiff restates and realleges paragraphs 1 through 27 as though fully set forth  
10 herein.

11 29. Plaintiff is a "consumer" as defined by FDCPA §1692a(3).

12 30. The alleged subject debt is a "debt" as defined by FDCPA §1692a(5) as it arises  
13 out of a transaction due or asserted to be owed or due to another for personal, family, or household  
14 purposes.  
15

16 31. Defendant used the phone to attempt to collect the subject debt and, as such,  
17 engaged in "communications" as defined in FDCPA §1692a(2).

18 32. Defendant is a "debt collector" as defined by §1692a(6) because its primary  
19 business is the collection of delinquent debts and it regularly collects debts and uses the mail  
20 and/or the telephones to collect delinquent accounts allegedly owed to a third party.  
21

22 33. Defendant's communications to Plaintiff were made in connection with the  
23 collection of the subject debt.

24 34. Defendant violated 15 U.S.C. §§1692c(a)(3), e, e(10), f, and g through its unlawful  
25 debt collection practices.  
26

27 **a. Violations of FDCPA §1692c**

28 35. Defendant violated §1692c(a)(3) when it called Plaintiff at work and attempted to

1 collect upon the subject debt. Furthermore, Defendant's representative insisted that Defendant  
2 could continue to place calls to her work phone number even after Plaintiff stated that she was not  
3 allowed to talk to Defendant while she was working.

4 **b. Violations of FDCPA §1692e**

5  
6 36. Defendant violated §§1692e and e(10) by engaging in false, deceptive, and  
7 misleading conduct in its attempt to collect on the subject debt. Specifically, Defendant  
8 misleadingly threatened to continue calling Plaintiff's work and garnish her wages when Plaintiff  
9 stated that she could not talk to Defendant while she was working. Defendant's representative  
10 Shannon also stated that Defendant could not work with her unless Plaintiff applied for a personal  
11 loan or credit card to pay off the subject debt. When Plaintiff stated she was concerned about being  
12 denied, Shannon continued to push Plaintiff to take these actions despite the potential damage they  
13 could cause to Plaintiff's credit.

14  
15 **c. Violations of FDCPA §1692f**

16 37. Defendant violated §1692f by using unfair and unconscionable means in attempt to  
17 collect the subject debt. Defendant's representative Shannon tried to convince Plaintiff that  
18 Defendant would garnish her wages and call her at work unless she applied for a personal loan or  
19 credit card, even though there was a strong likelihood Plaintiff would be denied and suffer further  
20 damage to her credit. Shannon ignored Plaintiff's concerns about damaging her credit and insisted  
21 that Defendant could not work with her unless she provided proof of rejection for a loan or credit  
22 card.

23  
24 **d. Violations of FDCPA § 1692g**

25 38. Defendant violated § 1692g through its initial communication by failing to properly  
26 inform Plaintiff of her rights for debt verification in a manner which was not reasonably calculated  
27 to confuse or frustrate the least sophisticated consumer. Despite the foregoing, Defendant through  
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its initial communication demanded payment on the subject debt from Plaintiff and failed to adequately send Plaintiff her right to dispute the validity of the subject debt within 5 days of the initial communication.

39. As an experienced debt collector, Defendant knew or should have known the ramifications of not sending a validation notice within 5 days of the initial communication pursuant to § 1692g.

40. Upon information and belief, Defendant systematically attempts to collect debts through harassing conduct and has no procedures in place to assure compliance with the FDCPA.

41. As stated above, Plaintiff was severely harmed by Defendant's conduct.

**WHEREFORE**, Plaintiff, EDELIZA P. DE LOS SANTOS respectfully requests that this Honorable Court:

- a. Declare that the practices complained of herein are unlawful and violate the aforementioned statute;
- b. Award Plaintiff statutory and actual damages, in an amount to be determined at trial, for the underlying FDCPA violations;
- c. Award Plaintiff costs and reasonable attorney fees as provided under 15 U.S.C. §1692k; and
- d. Award any other relief as the Honorable Court deems just and proper.

**COUNT II – VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION ACT**

42. Plaintiff restates and realleges paragraphs 1 through 41 as though fully set forth herein.

43. Plaintiff is a "person" as defined by Cal. Civ. Code § 1788.2(g).

44. The subject consumer debt is a "debt" and "consumer debt" as defined by Cal. Civ. Code § 1788.2(d) and (f).

45. Defendant is a "debt collector" as defined by Cal. Civ. Code § 1788.2(c).

**a Violations of RFDCPA § 1788.17**

46. The RFDCPA, pursuant to Cal. Civ. Code § 1788.17 states that “Notwithstanding any other provision of this title, every debt collector collecting or attempting to collect a consumer debt shall comply with the provisions of Section 1692b to 1692j, inclusive of, and shall be subject to the remedies in Section 1692k of, Title 15 of the United States Code.”

47. As outlined above, through their conduct in attempting to collection upon the subject consumer debt, Defendant violated 1788.17; and 15 U.S.C. §§1692c, e and f of the FDCPA. Defendant engaged in deceptive and noncompliant conduct in its attempts to collect a debt from Plaintiff, in violation of the RFDCPA.

48. Defendant willfully and knowingly violated the RFDCPA through its unlawful collection efforts. Defendant’s willful and knowing violations of the RFDCPA should trigger this Honorable Court’s ability to award Plaintiff statutory damages of up to \$1,000.00, as provided under Cal. Civ. Code § 1788.30(b)

**WHEREFORE**, Plaintiff, EDELIZA P. DE LOS SANTOS, respectfully requests that this Honorable Court:

- a. Declare that the practices complained of herein are unlawful and violate the aforementioned statute;
- b. Award Plaintiff actual damages, pursuant to Cal. Civ. Code § 1788.30(a);
- c. Award Plaintiff statutory damages up to \$1,000.00, pursuant to Cal. Civ. Code § 1788.30(b);
- d. Award Plaintiff costs and reasonable attorney fees as provided pursuant to Cal. Civ. Code § 1788.30(c); and
- e. Award any other relief as this Honorable Court deems just and proper.

**Plaintiff demands trial by jury.**

1 Date: March 10, 2021

Respectfully submitted,

2 By: /s/ Alexander J. Taylor  
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